

REMARKS

This Supplemental Reply is being submitted solely for the purpose of submitting a Declaration pursuant to 37 C.F.R. § 1.132.

Status of the Claims

Claims 1-18 are pending in the present application. No claims are being amended, added or canceled. Thus, a listing of the claims is not needed.

Issues under 35 U.S.C. § 112, Second Paragraph

Claim 9 stands rejected under 35 U.S.C. § 112, second paragraph, for the reason stated in paragraph 1, page 2 of the outstanding Office Action. Applicant respectfully submits that this rejection is fully and adequately addressed in the previous January 30 Amendment.

Issues under 35 U.S.C. § 103(a)

Claims 1, 2, 4-8 and 10-11 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Tondre *et al.* (*J. Dispersion Science and Technology*, Vol. 7(5), pp. 581-597 (1986)) in view of Rouse *et al.* (*JAOCS*, Vol. 71, No. 1, pp. 37-42 (1995)) and Dombay *et al.* (*Proc. Conf. Colloid Chem. Mem.* (1988); newly cited) or Hagan *et al.* (*Review of Scientific Instruments*, Vol. 58, pp. 468-474 (1987); newly cited). It is believed that Applicant's previous Amendment of January 30, 2006, fully and adequately addresses this rejection.

However, Applicant herein encloses a Declaration pursuant to 37 C.F.R. § 1.132 signed by inventor Rolf Skold. The enclosed Declaration is evidence of the patentability of the claimed

invention in that the present invention has enjoyed commercial success. In this regard, as stated in *Graham v. John Deere Co.*, 383 U.S. 1, 17, 148 USPQ 459, 467 (BNA) (1966) and M.P.E.P. § 2141(I) ("Standard of Patentability to be Applied in Obviousness Rejections"), one of the four factual inquiries that must be made in each and every case includes "(D) Evaluating evidence of secondary considerations".

The attached Rule 132 Declaration constitutes evidence of secondary considerations. In particular, paragraph 4 of the Declaration identifies the customers, wherein paragraph 5 details the reasons for the commercial success of the presently claimed invention. As can be seen in paragraph 5, the present invention enjoys commercial success due to its solutions for drawbacks in the art (e.g., quick and ready access to physical and chemical data over an extensive range of temperatures and concentrations that give rapid indications regarding temperature-concentration ranges of particular interest), its unexpected advantages (e.g., now the possibility of quantitatively identifying critical transition concentrations and temperatures and other characteristics on an extensive temperature-composition surface simultaneously in the same vessel) and its convenience (e.g., quick visualization of data in three dimensional graphs that adds to the ease and speed of data examination and information transfer). Further, Applicant respectfully refers the Examiner to the customers of the present invention in paragraph 4 (which includes Procter & Gamble).

Applicant respectfully requests the Examiner to consider the contents of the Rule 132 Declaration along with the previous arguments of patentability presented in the January 30, 2006 Amendment as rebutting the rejections under 35 U.S.C. § 103(a). It is believed that these rejections have been overcome.

Conclusion

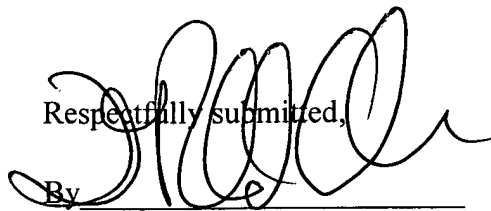
A full and complete response has been made to all issues as cited in the Office Action in the previous Amendment dated January 30, 2006. This Reply is merely supplemental to the January 30 Amendment. Applicant respectfully requests that a timely Notice of Allowance issue for the present case.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Eugene T. Perez (Reg. No. 48,501) at the telephone number of the undersigned below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees. However, it is believed that no fee is due since the previous January 30, 2006 Amendment is fully responsive to the outstanding Office Action.

Dated: **February 16, 2005**

Respectfully submitted,



By _____
D. Richard Anderson

Registration No.: 40,439

BIRCH, STEWART, KOLASCH & BIRCH, LLP

8110 Gatehouse Road, Suite 100 East

P.O. Box 747

Falls Church, Virginia 22040-0747

(703) 205-8000

Attorney for Applicant

Attachment: Declaration pursuant to 37 C.F.R. § 1.132